<u>REMARKS</u>

The rejection of Claims 5, 6 and 12-20 under 35 U.S.C. § 103(a) as unpatentable over WO 99/49528 (<u>WO '428</u>) in view of JP 2000-268821 (<u>JP '821</u>), is respectfully traversed.

The Examiner finds that priority applications JP 11-287781, filed on October 8, 1999, and JP 11-287785, filed on October 8, 1999, certified English translations of which were submitted with the previous response, do not support the present claims, since neither describe M as inclusive of Zr or Hf, or the average particle size limitation of the M-oxide powder, or the minimum half-width of 0.070°.

In reply, **submitted herewith** is a certified English translation of JP 2000-028860, filed February 7, 2000 (<u>JP '860</u>), which is the third priority application for which Applicants claim foreign priority. <u>JP '860</u> discloses Zr and Hf as applicable M components, and M-oxide powder having an average particle size of at most 10 μm. In addition, the claims have been amended by raising the minimum half-width to 0.080°, which is also supported by <u>JP '860</u>. Thus, if <u>JP '860</u> supports the present claims, it antedates <u>JP '821</u>, thus removing <u>JP '821</u> as prior art. The Examiner is respectfully requested to so find.

The claims are patentable over <u>WO '428</u> alone, which the Examiner has already acknowledged lacks disclosure of cobalt oxyhydroxide specific surface area, and particle size and specific surface area of lithium carbonate.
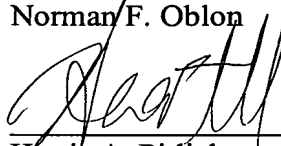
For all the above reasons, it is respectfully requested that the rejection be withdrawn.

All of the presently-pending claims in this application are now believed to be in

immediate condition for allowance. Accordingly, the Examiner is respectfully requested to

pass this application to issue.

Respectfully submitted,

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